

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA**

2009 FEB 20 AM 11:25

**CAROL AVARD and
DOUGLAS D. MOHNEY**
Plaintiffs

U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS, FLORIDA

Vs.

**MICHAEL J. ASTRUE, COMMISSIONER OF SOCIAL SECURITY
and SOCIAL SECURITY ADMINISTRATOR OF
AMERICA**
Defendants

2: 09-cv-105-FtM-29 SPC

COMPLAINT

Plaintiffs allege as follows:

1. The jurisdiction of the Court derives from 20 CFR § 401.130; 5 USC § 552 et seq. (Freedom of Information Act ("FOIA")).

COUNT 1

2. On August 20, 2008, plaintiffs sent a letter regarding a "Freedom of Information Act request concerning Alfred G. Jonas, M.D.", to the following: Deputy Executive Director for the Office of Public Disclosure, Office of the General Counsel, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235 or his designee; Chief Administrative Law Judge, Social Security Administration; Regional Chief ALJ, Atlanta, GA; Chief ALJ Daniel Piloseno, Jr., Tampa ODAR office; Chief ALJ Kevin Dugan, Ft. Lauderdale ODAR office; Chief ALJ Catherine Ravinski, Miami ODAR office (See attached as Exhibit "A").

3. On January 8, 2009, a letter was sent to Vincent A. Dormarunno, Freedom of Information Officer, Social Security Administration, 6401 Security Blvd., Baltimore MD 21235-6401 reporting the above referenced request and noting that a letter had been

received confirming the receipt of the letter and stating to call the office after 30 days to check on the status of the request. Plaintiffs have called the office numerous times and left several messages; but, no response has been received. The letter went on to notify the party that the statutory time limit had expired and that if the requested documents were not received within 20 days that a suit will be filed in the United States District Court (See attached as Exhibit "B").

4. The information requested was:

(1) The roster list of Psychiatrists for the past 10 years.

COUNT 2

5. Plaintiffs re-allege and incorporate paragraphs 1 through 3 above herein by reference.

6. The information requested was:

(2) Documents showing whether or not Alfred G. Jonas, M.D. was removed from the roster of psychiatrists used by the Ft. Lauderdale and Tampa ODAR offices, including its satellite offices, including the date of removal and the reason for removal.

COUNT 3

7. Plaintiffs re-allege and incorporate paragraphs 1 through 3 above herein by reference.

8. The information requested was:

(3) Frequency of use of Alfred G. Jonas, M.D. as a psychiatrist for the ODAR offices in Ft. Lauderdale and Tampa, including the satellite offices, for each year he was on the list.

COUNT 4

9. Plaintiffs re-allege and incorporate paragraphs 1 through 3 above herein by reference.

10. The information requested was:

(4) Copies of any complaints filed by claimants, attorneys, non-attorneys, staff at the Ft. Lauderdale and Tampa ODAR, including ALJ's, ODAR attorneys, paralegals, and all other staff concerning Alfred G. Jonas, M.D.

COUNT 5

11. On August 20, 2008, plaintiff's sent a letter regarding a "Freedom of Information Act request pursuant to 20 CFR § 401.130, 5 USC 552 ("FOIA)", to the following: Deputy Executive Director for the Office of Public Disclosure, Office of the General Counsel, SSA, 6401 Security Boulevard, Baltimore, Maryland 21235 or his designee; Chief Administrative Law Judge, Social Security Administration; Regional Chief ALJ, Atlanta, GA; Chief ALJ Daniel Piloseno, Jr., Tampa ODAR office; Chief ALJ Kevin Dugan, Ft. Lauderdale ODAR office; Chief ALJ Catherine Ravinski, Miami ODAR office (See attached as Exhibit "C").

12. On January 8, 2009, a letter was sent to Vincent A. Dormarunno, Freedom of Information Officer, Social Security Administration, 6401 Security Blvd., Baltimore MD 21235-6401 reporting the above referenced request and noting that a letter had been received confirming the receipt of the letter and stating to call the office after 30 days to check on the status of the request. Plaintiffs have called the office numerous times and left several messages; but, no response has been received. The letter went on to notify the party that the statutory time limit has expired and that if the requested documents have not been received within 20 days that a suit will be filed in the United States District Court (See attached as Exhibit "B").

13. The information requested was:

(1) A current list of all vocational experts, business addresses, curriculum vitas, on Tampa ODAR Roster list in the Tampa and Ft. Lauderdale ODAR hearing offices.

COUNT 6

14. Plaintiffs re-allege and incorporate paragraphs 1, 11, and 12 above herein by reference.

15. The information requested was:

(2) A current list of all medical experts, business addresses, curriculum vitas, and their specialties on the Roster for Tampa and Ft. Lauderdale ODAR hearing offices.

COUNT 7

16. Plaintiffs re-allege and incorporate paragraphs 1, 11, and 12 above herein by reference.

17. The information requested was:

(3) A current list of consultative examiners, business addresses, curriculum vitas, used by Tampa and Ft. Lauderdale ODAR office and claimants within the jurisdiction of the Tampa and Ft. Lauderdale ODAR offices.

COUNT 8

16. Plaintiffs re-allege and incorporate paragraphs 1, 11, and 12 above herein by reference.

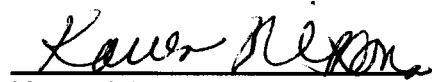
17. The information requested was:

(4) Please inform us of any fees we need to pay.

WHEREFORE, plaintiffs demand judgment as follows:

1. Disclosure of all requested FOIA material; and,
2. Order such other and further relief as the Court deems just and proper.

DATED this 19th day of February, 2009.

A handwritten signature in black ink, appearing to read "Karen Nixon", is written over a horizontal line.

Karen Nixon
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